

**IN THE DRAWINGS**

*Please see attached Replacement Sheets for Figures 20D to 23C.*

## **REMARKS**

This Amendment A is submitted in response to the Office Action dated June 14, 2005, having a shortened statutory period set to expire September 14, 2005. Claims 1-18 are currently pending.

### **In the Specification:**

The specification, on page 1, has been amended to include the U.S. Patent Application Number and filing date for the cross-referenced patent applications. Other amendments have been made to correct references to FIGS. 16A-16C.

### **Objections to the Drawings:**

On page 2, reference item 4, the Office Action asserts that the drawings fail to comply with 37 CFR 1.84(p)(4) because different references numerals, 344 and 345, are utilized in FIG. 3C to designate "design entity proto files." The design entity proto files designated by numeral 344 are not the same proto files as those designated by numeral 345. As clearly depicted by the respective arrow directions illustrated in FIG. 3C and explained in the specification on page 22, lines 6-21, proto files 345 are proto files available as input to HDL compiler 342 from a previous compilation run. Proto files 344 are the proto files output from compiler 342 on any given run. Applicants therefore submit that the number labeling that distinguishes one group of proto files from a categorically different group is appropriate and does not fail to comply with 37 CFR 1.84(p)(4).

Regarding the objections to FIGS. 20D to 23C, please find attached herewith formalized drawings to replace the original hand drawn versions.

### **Claim Rejections Under 35 U.S.C. § 101:**

Claims 7-18 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. At item 8, page 6, the Office Action asserts that Applicants have not recited any limitations relating to a practical application in the technological arts and have merely claimed a manipulation of a non-functional descriptive material or, at best, software per se. The Office Action further contends that claims 7-18 fail to meet any of the three fundamental statutory requirements of usefulness, tangibility, and concreteness required under present interpretation of 35 U.S.C. § 101. Claims 13-18 have been amended herein and are now expressly directed to a

computer-readable medium having a storage relationship to computer-executable instructions that perform the method steps recited in the respective claim bodies. Applicants believe these amendments overcome the concern that the claims are merely drawn to a manipulation of abstract ideas or software per se. Regarding claims 7-12, Applicants disagree with the foregoing grounds of rejection.

Claims 7-12 recite various embodiments of a “system” that include “processing means” for performing various tasks. Description of the claimed “system” and “processing means” is amply provided in Applicants’ specification with reference to **FIGS. 1, 2, 22A and 23A**. Specifically, **FIGS. 1 and 2** depict a pictorial and block diagram of a data processing system **10** having various processing components or means for performing the functions recited by claims 7-12. **FIGS. 22A and 23A** depict more specific processing configurations including a simulation client **1701** and an instrumentation server **1699**. The purpose and utility of Applicants proposed system is amply explained particularly at page 125, *et seq.*, with reference to **FIGS. 22 and 23**.

Claims 7-12 clearly do not merely claim software per se. It is facially apparent from the claim language alone, and unquestionably clear when reading the claims in view of the specification, that the “system” and “processing means” recited by claims 7-12 are amply supported by the specification and that claims 7-12 do not “simply manipulate abstract ideas” or are “without some claimed practical application.” For the foregoing reasons, Applicants respectfully request that the rejections of claims 7-12 under 35 U.S.C. § 101 be withdrawn.

#### **Double Patenting Rejections:**

Claims 1, 2, 8, and 14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, and 13 of copending U.S. Pat. App. No. 09/997,458. Enclosed herewith is a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) that overcomes the foregoing provisional rejections of claims 1, 2, 8, and 14.

#### **Claim Rejections Under 35 U.S.C. 103(a)**

Claims 1, 4, 5, 7, 10, 11, 13, 16, and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,195,627, issued to *Bargh et al.* in view of U.S. Pat. No.

6,292,909, issued to *Hare*. Applicants traverse the foregoing rejections as they may be applied to the claims as amended herein for the following reasons.

As explained in the specification on page 123, line 19 *et seq.*, referring to **FIGS. 22-23**, Applicants' proposed invention is directed to providing a means in a simulation batch processing environment for collecting and storing simulation testcases in which harvest events occurs. **FIGS. 22A-22C** and the corresponding description at page 125, line 1 through page 137, line 24 describe a system/method that store harvest event triggering testcases on a per simulation model basis such that these testcases can be usefully incorporated and executed in conjunction with simulation model testing instrumentation. **FIGS. 23A-23C**, to which the present invention is most closely drawn, describes a method/system that addresses issues related to consistency in collecting and storing harvest event testcases. Namely, and as explained at page 137, line 26 *et seq.*, the present invention addresses inconsistencies between a harvest hit table (e.g. harvest hit table **2205**) and testcases recorded in a harvest testcase repository (e.g. harvest testcase bucket **2300**) that may arise due to a recording failure on the repository side or recording redundancy on the harvest hit table side. Applicants' claimed invention resolves such inconsistencies using a "testcase list" and a "harvest hit table" (e.g. . testcase list **2214** and harvest hit table **2205**, **FIG. 23A**) that have specified characteristics significant to the recited updating, collecting, and comparing steps (see **FIG. 23B** depicting the structure of testcase list **2214** and harvest hit table **2205**).

Regarding the grounds for rejecting claims 1 on page 9, reference number 2 of the Office Action, *Bargh* does not disclose or suggest any method for resolving harvest testcase collection inconsistencies. Col 13, line 34 describes a harvest event with no connection to the reference at col. 3, line 4 to test vectors. Regarding the claim 1 limitation relating to the recited "harvest hit table" and "testcase list," col. 14, line 36 of *Bargh* does generally describe utilizing instrumentation logic to record harvest events, but neither in this passage nor elsewhere does *Bargh* disclose or suggest any type of testcase list that records simulation testcases that have triggered harvest events. Since *Bargh* does not disclose any type of testcase list, it follows that *Bargh* does not disclose or suggest steps of collecting testcases within such a list or comparing testcases identified within a testcase list to testcases identified within a harvest hit table.

The foregoing traversals of the rejections notwithstanding, claim 1 (and similarly claims 7 and 13) has been amended to more clearly characterize and distinguish Applicants' proposed invention from *Bargh* and other prior art. Namely, claim 1 now expressly recites that "said testcase list identifies testcases that have triggered harvest events during simulation of a simulation model, and said harvest hit table includes harvest event entries that associate harvest event identifiers with corresponding testcase identifiers." The first and second claim body elements have also been amended to more clearly convey the relationship between the foregoing structural description of the testcase list and harvest hit table and the updating and collecting steps. The amendments to claim 1 are fully supported with reference to FIGS. 23A-23C (see FIG. 23B depicting the internal structure of testcase list 2214 as including name fields containing the identity of multiple testcases and harvest hit table 2205 as including entries associating harvest event identifiers 2362 with testcase identifiers 2363).

Since neither *Bargh* nor *Hare*, either individually or in combination, disclose any method for resolving harvest testcase inconsistencies between a testcase list that identifies testcases that have trigger harvest events and a harvest hit table that includes harvest event entries that associate harvest event identifiers using the updating, collecting and comparing steps recited in claims 1, 7, and 13, it follows that claims 1-18 are patentably distinct from the combination of *Bargh* and *Hare* as well as all other prior art known to Applicants.

Claims 2, 3, 6, 8, 9, 12, 14, 15, and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Bargh* in view of *Hare* and in further view of IBM Technical Disclosure Bulletin, March 2000, UK, having a publication date of March 1, 2000 (hereinafter *IBM TDB*). Regarding the grounds for rejecting claims 2, 8, and 14 there is no disclosure in the *IBM TDB* that indicates that the "test server" disclosed therein is the same or functionally equivalent to the testcase server that is expressly characterized in claim 2 and the specification as collecting harvest event testcases for a simulation model. Furthermore, the combination of *Bargh*, *Hare*, and the *IBM TDB* fails to disclose the steps of:

"retrieving harvest event data for said harvest event that has been triggered within said simulation client";

"comparing said retrieved harvest event data with a list of harvest events that have previously been triggered within said simulation model"; and

“responsive to determining that said harvest event has not been previously triggered within said simulation model, delivering a testcase identifier identifying said testcase to said testcase server.”

In light of the foregoing, a Notice of Allowance is requested for pending claims 1-18.

Applicants thank the Examiner for his willingness to discuss the disposition of the present application and invite the Examiner to contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Baca', is written over a horizontal line.

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